

UNITED STATES PATENT AND TRADEMARK OFFICE
Docket No. 15001US01

In the Application of:

Darwin Rambo

Electronically Filed on April 6, 2009

Serial No.: 10/620,048

Filed: July 15, 2003

For: AUDIO/VIDEO CONFERENCING
SYSTEM

Examiner: Gerald A. Smarth

Group Art Unit: 2446

Conf. No.: 7642

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir / Madam:

This Pre-Appeal Brief Request for Review is being submitted in response to the final Office Action mailed on February 4, 2009. The Pre-Appeal Brief is being filed with a Notice of Appeal. The Notice of Appeal is filed in response to the final Office Action mailed on February 4, 2009, with a period of reply that expires on May 4, 2009.

REMARKS / ARGUMENTS

GENERAL COMMENTS

All the independent claims were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,559,863 (“Megiddo”). In the final office action (dated February 4, 2009), the Examiner maintained the rejections and the arguments that he previously presented in the non-final office action (dated August 6, 2008). In the response to non-final office action (dated November 6, 2008), the Applicant provided arguments to show that Megiddo did not teach what is recited in the pending claims. While Applicant’s arguments in this response to non-final were believed to be convincing, the Examiner has disagreed and has provided a “Response to Arguments” section. The Applicant responds to the Examiner’s “Response to Arguments” as follows.

EXAMINER’S “RESPONSE TO ARGUMENTS”

With regard to Claim 1, the final Office Action (dated February 4, 2009) states the following:

Regarding claim 1, Applicant makes argument that Megiddo does not teach or suggest a system for configuring a conference call comprising a computing device that is communicatively coupled with a server. Applicant points to Megiddo disclosing a system for configuring a conference call comprising a computing device that is communicatively coupled with a server. Examiner respectfully disagrees and explains this portion of Megiddo was inserted to show a computing device that is communicatively coupled with a server, as stated in claim 1. Configuring a conference call is being taught in Megiddo. Megiddo discloses in step 200, the server 25 provides an electronic conference room 100 for electronic communication between multiple users. In step 210, the electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100, as disclosed in office action. In view of the examiner this is viewed to teach the limitations of claim 1.

Applicant has repeatedly stated that an “electronic conference room” does not teach a “conference call” as recited in independent Claims 1, 7, 11, and 20, since a conference *room* does not teach a conference *call*. Contrary to what is recited in Claim 1, the Examiner admits that “Megiddo discloses in step 200, the server 25 provides an *electronic conference room* 100 for electronic communication between multiple users. In step 210, the electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100, as disclosed in office action.

Applicant respectfully submits that there are fundamental differences between Megiddo’s electronic conference room and a conference call. Since Megiddo’s electronic conference room provides an open air environment where a user may “engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties” to create “a cocktail party type interaction medium” (see Megiddo, at col. 2, lines 1-9), the Applicant respectfully submits that Megiddo does not teach “configuring a conference call,” “configuring side conference calls,” “configuring one or more conference calls,” or “viewing and

participating in one or more conference calls comprising selecting participants for one or more conference calls," as recited in independent Claims 1, 7, 11, and 20. Furthermore, since everybody is capable of listening to everyone else (by way of eavesdropping), there is no privacy provided in any of the groups formed in Megiddo's electronic conference room. Therefore, Megiddo does not teach anything about configuring conference calls.

As stated in the Megiddo, at the Abstract, a "user is provided with audible signals from other groups, which is attenuated *based on the distance that particular group is from the user's location within the electronic conference room.*" Thus, unlike one or more conference calls, each of the various groups 110, 120, 130 can hear conversations from other groups 110, 120, 130. In contrast, participants in a conference call cannot hear conversations which occur in another conference call. Therefore, for at least these reasons, Megiddo does not teach what is recited in the independent claims.

The final Office Action (dated February 4, 2009) further states the following:

Applicant goes further to explain why. Megiddo does not teach "a system for configuring a conference call". Instead, Megiddo, at col. 1 line 57 - col. 2, line 8, for example, discloses an "electronic conference room" in a "cocktail party" environment where everyone can hear other conversations at a level corresponding to the distance one or more parties are from a participant or user. Applicant submits that an electronic conference room does not teach a conference call. Applicant respectfully submits that communication between multiple groups of users in a conference room environment is different from conducting a conversation between participants in a conference call. A conversation between multiple users in a room provides no privacy among the parties since "the present invention facilitates creating a cocktail party type of interaction medium wherein communications between parties spatially closer to a first user are more intense than communications between parties further away from the first user (see Megiddo, at col. 2 lines 1- 5). Examiner respectfully disagrees. Examiner see's [sic] Megiddo's conference room as being one or more conference calls. The different aspects of this conference room as applicant explains does not change it from being a conference call which is being configured by a system. Thus as explained examiner views Megiddo as teaching limitations of claim 1.

See Office Action at pages 19-20.

With respect to the foregoing statements made by the Examiner, the Applicant respectfully submits that the Examiner has not fully considered Applicant's argument that Megiddo's groups are not conference calls, since Megiddo's groups do not provide a conference only between individuals in that conference call. As previously stated by the Applicant, every participant in each group within Megiddo's electronic conference room has access to conversations from other groups. Therefore, Megiddo does not teach one or more conference calls. As a consequence, the Applicant respectfully submits that the pending claims should be passed to allowance.

With regard to Claim 7, the Office Action states:

Regarding claim 7, Applicant makes argument that Megiddo does not teach or disclose anything about "selecting one or more participant identifiers from at least one existing conference call," as recited in Claim 7. Nor does

Megiddo disclose anything about "positioning said selected participant identifiers into at least one side conference call identifier." Megiddo discloses implementation of a plurality of groups in an electronic conference room as opposed to implementation of a conference call. Examiner respectfully disagrees, and views for example each user icon such as user 111, 112, as being a participant identifier and groups as being existing conference calls. As in office action Megiddo teaches the limitations of claim 7 by disclosing referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2c, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of the icons representing the participants; Column 6 lines 41-61.

Examiner respectfully once again views passage from Megiddo explaining how a user can both engage in a conversation while eavesdropping on other conversations, as being another aspect of the Megiddo's conferencing system.

See Office Action at pages 20-21.

The Examiner "views for example each user icon such as user 111, 112, as being a participant identifier and groups as being existing conference calls." As the Applicant had previously stated, none of Megiddo's groups can be considered to teach a "side conference call," as recited in Claim 7, because each of Megiddo's groups may "eavesdrop" on each other in Megiddo's electronic conference room. Thus, Megiddo does not teach anything about "conference calls" or "side conference calls" as recited in independent Claim 7. Therefore, for at least these reasons, Megiddo does not teach what is recited in independent Claims 1, 7, 11, and 20.

With regard to Claim 11, the Office Action states:

Regarding claim 11, Applicant makes argument that Megiddo does not teach what is recited in Claim 11. Applicant also states: Megiddo does not teach "configuring one or more conference calls," or "creating conference identifiers," or "grouping participant identifiers into said conference identifiers," as recited in Claim 11. For example, Megiddo does not disclose anything about "one or more conference calls." Nor does Megiddo disclose anything about "conference identifiers." Megiddo, at col. 6, lines 41-6, discloses moving or dragging a graphical image representing a user around an electronic conference room, so as to enter small communication groups by way of dragging a user "into or near to" a group in a cocktail party setting. Applicant respectfully submits that while Megiddo discloses various groups in an electronic conference room, Megiddo does not disclose "conference identifiers." Applicant respectfully requests the Examiner to refer to Applicant's arguments presented for Claims 1 and 7.

Examiner respectfully disagrees and views groups labeled for example as 110 and 120 by Megiddo in fig 2a,b as being conference identifiers. Examiner views user 111 as a conference identifier. The system includes means for

providing an interface, means for providing an interface, a plurality of computers coupled the system includes means for providing an interface, a plurality of computers coupled to the means for providing an interface, means for providing each user of each of the plurality of computers with a graphic image in the electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group; Column 3 lines 14-26. Examiner also views these modifications as configuring a conference call.

See Office Action at pages 21-22.

The Applicant respectfully submits that Megiddo does not teach “configuring one or more conference calls” as recited in Claim 11 for the same reasons the Applicant had provided for Claims 1 and 7. The Applicant respectfully disagrees that Megiddo’s groups teach conference calls. The Applicant requests the Pre-Appeal Brief Committee to consider Applicant’s arguments presented for Claims 1 and 7.

With regard to Claim 20, the Office Action states:

Regarding claim 20, Examiner respectfully apologizes for Ludwig typo. Examiner further views arguments where [sic] addressed in previous claims 1, 7 and 11.

See Office Action at page 22.

With respect to Claim 20, the Applicant respectfully requests the Pre-Appeal Brief Committee to consider Applicant’s arguments presented for Claims 1 and 7 as Megiddo does not teach anything about “one or more conference calls,” as recited in independent Claim 20. For at least these same reasons, the Applicant respectfully requests allowance of Claim 20.

CONCLUSION

Based on the foregoing arguments presented by the Applicant in this Pre-Appeal Brief Request for Review, the pending claims should be allowed. Consequently, a Notice of Allowance is courteously solicited.

Respectfully submitted,

Date: April 6, 2009

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